

MESSAGE NO: 7310202 MESSAGE DATE: 11/06/2007

MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE 7278203
MESSAGE #
(s):

CASE #(s): A-570-204

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 02/01/2005 TO 01/31/2006

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: LIQUIDATION INSTRUCTIONS FOR HEAVY FORGED HAND TOOLS, FINISHED OR UNFINISHED, WITH OR WITHOUT HANDLES (AXES & ADZES) FROM CHINA (EXCEPT THOSE LISTED IN PAR. 5 & 6)

MESSAGE NO: 7310202

DATE: 11 06 2007

CATEGORY: ADA

TYPE: LIQ

REFERENCE: 7278203

REFERENCE DATE: 10 05 2007

CASES: A - 570 - 204

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PERIOD COVERED: 02 01 2005 TO 01 31 2006

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS

PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: LIQUIDATION INSTRUCTIONS FOR HEAVY FORGED HAND TOOLS, FINISHED OR UNFINISHED, WITH OR WITHOUT HANDLES (AXES & ADZES) FROM CHINA (EXCEPT THOSE LISTED IN PAR. 5 & 6)

1. FOR ALL SHIPMENTS OF HEAVY FORGED HAND TOOLS, FINISHED OR UNFINISHED, WITH OR WITHOUT HANDLES (AXES AND ADZES) FROM THE PEOPLE'S REPUBLIC OF CHINA, ENTERED OR WITHDRAWN FROM WAREHOUSE FOR CONSUMPTION DURING THE PERIOD 02/01/2005 THROUGH 01/31/2006, AND NOT REFERENCED IN PARAGRAPHS 5 OR 6 BELOW, ASSESS AN ANTIDUMPING DUTY LIABILITY OF 189.37 PERCENT OF THE ENTERED VALUE.

NOTE THAT THE DEPARTMENT OF COMMERCE CASE NUMBER FOR HEAVY FORGED HAND TOOLS, FINISHED OR UNFINISHED, WITH OR WITHOUT HANDLES, IS A-570-803; THIS COMMERCE CASE NUMBER A-570-803 INCLUDES "HAMMERS AND SLEDGES," "BARS AND WEDGES," "PICKS AND MATTOCKS," AND "AXES AND ADZES." THE CBP CASE NUMBER A-570-204 COVERS JUST "AXES AND ADZES."

2. NOTICE OF THE LIFTING OF SUSPENSION OF LIQUIDATION OF ENTRIES OF SUBJECT MERCHANDISE DURING THE PERIOD 02/01/2005 THROUGH 01/31/2006 OCCURRED WITH THE PUBLICATION OF THE FINAL RESULTS OF ADMINISTRATIVE REVIEW (SEE 72 FR 51787, DATED 09/11/2007). FOR ALL OTHER SHIPMENTS OF HEAVY FORGED HAND TOOLS, FINISHED OR UNFINISHED, WITH OR WITHOUT HANDLES (AXES AND ADZES) FROM THE PEOPLE'S REPUBLIC OF CHINA, UNLESS OTHERWISE INSTRUCTED, CONTINUE TO COLLECT CASH DEPOSITS OF ESTIMATED ANTIDUMPING DUTIES FOR THE MERCHANDISE AT THE CURRENT RATES.

NOTE THAT 72 FR 51787 INDICATES THAT THE REVIEW WAS RESCINDED FOR SOME COMPANIES. THE PRC-WIDE RATE REFERENCED IN THAT FEDERAL REGISTER NOTICE (189.37 PERCENT) APPLIES TO THOSE COMPANIES, AS WELL AS TO COMPANIES NOT UNDER REVIEW (WITH THE

EXCEPTION OF COMPANIES WITH THEIR OWN SEPARATE RATES FOR WHICH LIQUIDATION IS REFERENCED IN PARAGRAPH 5 BELOW). 72 FR 51787 ALSO REFERENCES A COMPANY FOR WHICH AN INJUNCTION HAS BEEN ISSUED PREVENTING LIQUIDATION (SEE PARAGRAPH 6 BELOW).

3. THE ASSESSMENT OF ANTIDUMPING DUTIES BY CUSTOMS AND BORDER PROTECTION ON ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930. SECTION 778 REQUIRES THAT CBP PAY INTEREST ON OVERPAYMENTS AND ASSESS INTEREST ON UNDERPAYMENTS OF THE REQUIRED AMOUNTS DEPOSITED AS ESTIMATED ANTIDUMPING DUTIES. THE INTEREST PROVISIONS ARE NOT APPLICABLE TO CASH OR BONDS POSTED AS ESTIMATED ANTIDUMPING DUTIES BEFORE THE DATE OF PUBLICATION OF THE ANTIDUMPING DUTY ORDER. INTEREST SHALL BE CALCULATED FROM THE DATE PAYMENT OF ESTIMATED ANTIDUMPING DUTIES IS REQUIRED THROUGH THE DATE OF LIQUIDATION. THE RATE AT WHICH SUCH INTEREST IS PAYABLE IS THE

RATE IN EFFECT UNDER SECTION 6621 OF THE INTERNAL REVENUE CODE OF 1954 FOR SUCH PERIOD.

4. UPON ASSESSMENT OF ANTIDUMPING DUTIES, CBP SHOULD REQUIRE THAT THE IMPORTER PROVIDE A REIMBURSEMENT STATEMENT AS DESCRIBED IN SECTION 351.402(f)(2) OF THE COMMERCE DEPARTMENT REGULATIONS. THE IMPORTER SHOULD PROVIDE THE REIMBURSEMENT STATEMENT PRIOR TO

LIQUIDATION OF THE ENTRY. IF THE IMPORTER CERTIFIES THAT IT HAS AN AGREEMENT WITH THE MANUFACTURER, PRODUCER, SELLER, OR EXPORTER TO BE REIMBURSED ANTIDUMPING DUTIES, CBP SHOULD DOUBLE THE ANTIDUMPING DUTIES IN ACCORDANCE WITH THE ABOVE-REFERENCED REGULATION. ADDITIONALLY, IF THE IMPORTER DOES NOT PROVIDE THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION, CBP SHOULD PRESUME REIMBURSEMENT AND DOUBLE THE ANTIDUMPING DUTIES DUE.

5. NOTE THAT LIQUIDATION INSTRUCTIONS FOR CERTAIN ENTRIES WERE ALREADY PROVIDED IN MESSAGE NUMBER 6268208, DATED 09/25/2006. THE INSTRUCTIONS IN THAT MESSAGE ARE UNAFFECTED BY THIS MESSAGE.

6. DO NOT LIQUIDATE ENTRIES EXPORTED BY SHANDONG MACHINERY IMPORT AND EXPORT COMPANY REFERENCED IN INJUNCTION MESSAGE 7278203 (DATED 10/05/2007). MESSAGE NUMBER 7278202 REMAINS IN EFFECT.

7. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTAM AT OFFICE OF AD/CVD OPERATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577 RESPECTIVELY (GENERATED BY 07:SB).

8. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

ANNE MARICICH

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party